

IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
NORTHERN DIVISION

DERRICK S. GALVIN

PLAINTIFF

v.

No. 1:18-cv-87-DPM

R. JONES, Sergeant,  
Varner Unit/VSM, ADC, *et al.*

DEFENDANTS

ORDER

On *de novo* review, the Court adopts Magistrate Judge Kearney's recommendation, *No. 8*, and overrules Galvin's objections, *No. 17*. FED. R. CIV. P. 72(b)(3). Galvin's complaint will be dismissed without prejudice for failure to state a claim. *Denton v. Hernandez*, 504 U.S. 25, 32-33 (1992). This dismissal counts as a "strike" for purposes of 28 U.S.C. § 1915(g). All other motions are denied as moot. *No. 13, 15-16 & 18-19*. An *in forma pauperis* appeal from this Order and accompanying Judgment would not be taken in good faith. 28 U.S.C. § 1915(a)(3).

So Ordered.

D.P. Marshall Jr.  
D.P. Marshall Jr.  
United States District Judge

7 March 2019